



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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February 6, 2015

Ref: 8EPR-EP

George Mathieus, Administrator
Planning, Prevention and Assistance Division
Montana Department of Environmental Quality
1520 E. Sixth Avenue
P.O. Box 200901
Helena, MT 59620-0901

Dear George:

During the review of Montana's submission of water quality standards for nutrients, the U.S. Environmental Protection Agency (EPA), identified an issue regarding the effect of the revisions to ARM 17.30.715 on antidegradation (nondegradation) implementation for the Clark Fork River nutrient criteria in ARM 17.30.631.

Based on the EPA's January 9, 2015 call with the Montana Department of Environmental Quality (MDEQ), our understanding is that although the deletion of the term "nutrients" from ARM 17.30.715(c) inadvertently removed reference to the Clark Fork River nutrient criteria in ARM 17.30.715 for purposes of antidegradation (nondegradation) review, MDEQ would evaluate whether any proposed activity would result in nonsignificant changes in water quality in high quality waters consistent with MCA 75-5-301(5)(c). In addition, MDEQ would consider the Board of Environmental Review's previous decisions on similar parameters (e.g., treatment of total nitrogen and total phosphorous as harmful for purposes of ARM 17.30.715 in DEQ-12A). MDEQ committed to revise its water quality standards to clarify which nonsignificance threshold applies to the Clark Fork River nutrient criteria in the next water quality standards triennial review, which MDEQ intends to initiate in Summer 2015.

The EPA appreciates the state's clarification on this issue, and requests that you confirm in writing that our understanding is correct. If you have any questions, please call Tonya Fish on my staff at (303) 312-6832.

Sincerely,

A handwritten signature in blue ink, appearing to read "H. Garcia", is positioned above the printed name of the signatory.

Humberto L. Garcia Jr., Director
Ecosystems Protection Program